IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 23352 OF 2004

Dated : April 4, 2006

Between:

A.Murali Krishna

Petitioner

AND

The A.P. Industrial Infrastructure Corporation Limited, Rep. by its Vice Chairman and Managing Director, Hyderabad, and another

Respondents

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 23352 OF 2004

ORAL ORDER:

Seeking a direction to the first respondent Corporation for restoration of annual grade increment and for payment of arrears flowing therefrom; for payment of additional charge allowance from 11.4.2000 to 9.8.2001 and for payment of three months notice pay, the petitioner filed this writ petition.

The petitioner while working as incharge Regional Manager of the respondent Corporation at Tirupathi Regional Office, sent proposals for allotment of 317.57 Sq. Meters of land adjacent to Commercial Complex, Tirupathi to M/s. Vijaya Durga Auto, allottees of Shop Nos. 4 and 5, without ascertaining as to the prevailing market value and the basic value from the Registration Department. Subsequently, on assumption of charge by the regular Regional Manager, at the instructions of the respondent Corporation, he ascertained the basic value of the land in respect of the survey numbers adjacent to the land of the Commercial Complex at Tirupathi, at Rs.1,150/- per Sq. yards and at Rs.720/- per Sq. yards for residential land on the main road and at Rs.540/- in the interior. It is further stated that after coming to know about the land being sold to M/s. Vijaya Durga Agencies at Rs.500/- per Sq. yards, one Mr. Nagaiah, representing M/s. Padmavathi Agencies, approached the respondent Corporation and offered to pay Rs.1000/- per Sq. Meter for the same land. Therefore, having regard to the callous actions of the petitioner in not protecting the interest of the Corporation, and causing loss to the Corporation to the tune of Rs.1,58,785/-, he was placed under suspension by the proceedings dated 8.12.1989 and by proceedings dated 21.12.1989 Mr. C.Subba Rao, Deputy Genral Manager (Finance-I) was appointed as Enquiry Officer.

The following charges were framed against the petitioner

1. *The delinquent Officer had sent a proposal in letter No.5520/03/87 dated 3.7.1989 to allot the land of 350 Sq. Yards (Approx) adjacent to commercial Complex, Tirupathi, to M/s. Vijaya Durga Auto. The delinquent Officer is aware that the proposed land is situated in a prime locality of the town and carries premium rate in terms of locational advantage. The delinquent Officer has not chosen to inform the basic registration rate and prevailing market value despite the above facts. He has not*

taken the issue in the sense in which it is ought to have been taken. By dealing with the issue in a casual manner, the delinquent officer has failed in performance of his duties, which is expected of him.

2. *From the files, it is noted that even during 1984 and subsequently, there were enquiries for the said land from M/s. Srinivasa Gas Agencies for the said land. While sending the proposal, the delinquent officer ought to have given a complete picture of the history of the plot to enable the Head Office to take an appropriate decision in the matter. Wantonly, the delinquent officer suppressed the facts and has not furnished the same to Head Office at the time of proposal and recommended the allotments to M/s. Vijaya Durga Auto, ignoring others which is highly irregularly and arbitrary. He has not chosen to give vide publicity to attract more entrepreneurs and better price to APIIC.*

3. *Further, when the information as to the details of the land cost prevailing in the vicinity of Commercial Complex was sought for vide IOM No.27109/DW/D10/87 dated 25.9.1989, the delinquent Officer has informed in letter No.5526/A3/87 dated 13.10.1989 that there are no sale transactions in and around the commercial complex in the recent years except that of the registration at Rs.138/- per Sq. Meter during 1988-89. Subsequently, the Regional Manager, Tirupathi, in his letter No. RO/TPT/SGS/A3.89 dated 21.11.1989 informed that the basic value as per the Sub-Registrar are Rs.1150/- per Sq. Yard for commercial land, Rs.1050/- per Sq. yard for commercial interior land, Rs.720/- for Residential plots and Rs.540/- for residential interior land.*

It is the case of the petitioner that the charges were framed contrary to the provisions of APIIC Limited – Conduct, Discipline and Appeal Regulations, 1974. It is further contended that the petitioner has not received any notice for appearance before the Enquiry Officer and he was denied opportunity of leading evidence, which is against the Service Regulations and sent report to the Corporation and the Respondent Corporation has issued show cause notice dated 1.6.1990, calling upon him to explain as to why he should not be dismissed from service. The petitioner submitted an explanation on 13.7.1990, which was accepted and by proceedings dated

25.7.1990, the punishment was modified from *dismissal from service* to *withholding of two future increment with cumulative effect* and his suspension was revoked and he was reinstated into service. On further representation of the petitioner, vide proceedings dated 22.11.1991, the period of suspension from 19.12.1989 to 26.7.1990 was treated on duty and the punishment of *withholding of two future increment with cumulative effect* was further modified to *withholding of one increment.* Thereafter, it is submitted that the petitioner has made several representations finally on 28.3.2003 for revocation of punishment and sought the relief of restoring one annual grade increment withheld with cumulative effect and to make payments of arrears flowing therefom;

The petitioner also made representation for sanction of additional charge allowance for the period from 11.4.2000 to 9.8.2001, inasmuch as he was put in additional charge of the post of Dy. Zonal Manager (D) and Commissioner, IALA, Kattedan on 11.4.2000 and attended the duties of Dy. Zonal Manager (D) & Commissioner, IALA Kattedan in addition to his duties as Dy. Zonal Manager (D), Jeedimetla.

The petitioner further stated that since he opted for Voluntary Retirement and was retired from service by proceedings dated 17.2.2004 with effect from 28.2.2001, he is entitled to three months notice pay in terms of clause 7 (1) para 2,3 and 4 of GO Ms. No. 16, Public Enterprises (PE-III) Department dated 22.3.2001 and Circular dated 25.8.2001 issued by the first respondent Corporation.

It is stated that since the representations made by the petitioner for the grant of these three reliefs, were not considered by the respondent, the petitioner came up with this writ petition.

Today, when this writ petition came up for admission, after issuance of notice before admission, none appeared for writ petitioner. The learned Standing Counsel appearing for the second respondent submitted that insofar as the payment of additional charge allowance from 11.4.2000 to 9.8.2001 is concerned, an

amount of Rs.14,133.85 was paid on 14.3.2005.

The learned Standing Counsel for the respondents further submits that insofar as the first relief of revoking the punishment of withholding one increment with cumulative effect is concerned, in earlier round of litigation, the quantum of punishment was reviewed and the punishment is modified from *withholding of two increments* to *withholding of one increment* and W.P. No. 13559 of 1991 filed by the petitioner questioning the same, was closed with the said observation. This order dates back to 30.6.1991. The petitioner, having kept quiet all these years, now seeks to assail the same. No reason is assigned by the petitioner, as to such an inordinate delay.

Insofar as the payment of three months notice pay is concerned, the counter states that as per the stipulation in the Government order, he is not eligible for the notice pay. It is also stated that if the claim of the petitioner for payment of notice is considered, it amounts to payment of 43 months pay, against the balance service of 40 months left. Therefore, the said contention is negatived by the respondents.

For these reasons, I do not see any reason to entertain the writ petition and it is accordingly dismissed at the stage of admission. No order as to costs.

N.V.RAMANA, J,

April 4, 2006

MAS.